

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 8-802, 8-2001, 8-2005, and 8-2006 as follows:

6 (735 ILCS 5/8-802) (from Ch. 110, par. 8-802)

7 Sec. 8-802. Physician and patient. No physician or surgeon
8 shall be permitted to disclose any information he or she may
9 have acquired in attending any patient in a professional
10 character, necessary to enable him or her professionally to
11 serve the patient, except only (1) in trials for homicide when
12 the disclosure relates directly to the fact or immediate
13 circumstances of the homicide, (2) in actions, civil or
14 criminal, against the physician for malpractice, (3) with the
15 expressed consent of the patient, or in case of his or her
16 death or disability, of his or her personal representative or
17 other person authorized to sue for personal injury or of the
18 beneficiary of an insurance policy on his or her life, health,
19 or physical condition, (4) in all actions brought by or against
20 the patient, his or her personal representative, a beneficiary
21 under a policy of insurance, or the executor or administrator
22 of his or her estate wherein the patient's physical or mental
23 condition is an issue, (5) upon an issue as to the validity of

1 a document as a will of the patient, (6) in any criminal action
2 where the charge is either first degree murder by abortion,
3 attempted abortion or abortion, (7) in actions, civil or
4 criminal, arising from the filing of a report in compliance
5 with the Abused and Neglected Child Reporting Act, (8) to any
6 department, agency, institution or facility which has custody
7 of the patient pursuant to State statute or any court order of
8 commitment, (9) in prosecutions where written results of blood
9 alcohol tests are admissible pursuant to Section 11-501.4 of
10 the Illinois Vehicle Code, (10) in prosecutions where written
11 results of blood alcohol tests are admissible under Section
12 5-11a of the Boat Registration and Safety Act, ~~or~~ (11) in
13 criminal actions arising from the filing of a report of
14 suspected terrorist offense in compliance with Section
15 29D-10(p)(7) of the Criminal Code of 1961, or (12) upon the
16 issuance of a subpoena pursuant to Section 38 of the Medical
17 Practice Act of 1987; the issuance of a subpoena pursuant to
18 Section 25.1 of the Illinois Dental Practice Act; or the
19 issuance of a subpoena pursuant to Section 22 of the Nursing
20 Home Administrators Licensing and Disciplinary Act.

21 In the event of a conflict between the application of this
22 Section and the Mental Health and Developmental Disabilities
23 Confidentiality Act to a specific situation, the provisions of
24 the Mental Health and Developmental Disabilities
25 Confidentiality Act shall control.

26 (Source: P.A. 87-803; 92-854, eff. 12-5-02.)

1 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

2 Sec. 8-2001. Examination of health care records.

3 (a) In this Section:~~7~~

4 "Health ~~health~~ care facility" or "facility" means a public
5 or private hospital, ambulatory surgical treatment center,
6 nursing home, independent practice association, or physician
7 hospital organization, or any other entity where health care
8 services are provided to any person. The term does not include
9 a health care practitioner ~~an organizational structure whose~~
10 ~~records are subject to Section 8-2003.~~

11 "Health care practitioner" means any health care
12 practitioner, including a physician, dentist, podiatrist,
13 advanced practice nurse, physician assistant, clinical
14 psychologist, or clinical social worker. The term includes a
15 medical office, health care clinic, health department, group
16 practice, and any other organizational structure for a licensed
17 professional to provide health care services. The term does not
18 include a health care facility.

19 (b) Every private and public health care facility shall,
20 upon the request of any patient who has been treated in such
21 health care facility, or any person, entity, or organization
22 presenting a valid authorization for the release of records
23 signed by the patient or the patient's legally authorized
24 representative, permit the patient, his or her health care
25 practitioner ~~physician~~, authorized attorney, or any person,

1 entity, or organization presenting a valid authorization for
2 the release of records signed by the patient or the patient's
3 legally authorized representative to examine the health care
4 facility patient care records, including but not limited to the
5 history, bedside notes, charts, pictures and plates, kept in
6 connection with the treatment of such patient, and permit
7 copies of such records to be made by him or her or his or her
8 health care practitioner ~~physician~~ or authorized attorney.

9 (c) Every health care practitioner shall, upon the request
10 of any patient who has been treated by the health care
11 practitioner, or any person, entity, or organization
12 presenting a valid authorization for the release of records
13 signed by the patient or the patient's legally authorized
14 representative, permit the patient and the patient's health
15 care practitioner or authorized attorney, or any person,
16 entity, or organization presenting a valid authorization for
17 the release of records signed by the patient or the patient's
18 legally authorized representative, to examine and copy the
19 patient's records, including but not limited to those relating
20 to the diagnosis, treatment, prognosis, history, charts,
21 pictures and plates, kept in connection with the treatment of
22 such patient.

23 (d) A request for copies of the records shall be in writing
24 and shall be delivered to the administrator or manager of such
25 health care facility or to the health care practitioner. The
26 ~~health care facility shall be reimbursed by the person~~

1 (including patients, health care practitioners and attorneys)
2 requesting copies of records shall reimburse the facility or
3 the health care practitioner at the time of such copying for
4 all reasonable expenses, including the costs of independent
5 copy service companies, incurred ~~by the health care facility~~ in
6 connection with such copying not to exceed a \$20 handling
7 charge for processing the request ~~for copies,~~ and the actual
8 postage or shipping charge, if any, plus: (1) for paper copies
9 75 cents per page for the first through 25th pages, 50 cents
10 per page for the 26th through 50th pages, and 25 cents per page
11 for all pages in excess of 50 (except that the charge shall not
12 exceed \$1.25 per page for any copies made from microfiche or
13 microfilm; records retrieved from scanning, digital imaging,
14 electronic information or other digital format do not qualify
15 as microfiche or microfilm retrieval for purposes of
16 calculating charges); and (2) for electronic records,
17 retrieved from a scanning, digital imaging, electronic
18 information or other digital format in a electronic document, a
19 charge of 75 cents for each CD Rom, DVD, or other storage
20 media. Records already maintained in an electronic or digital
21 format shall be provided in an electronic format when so
22 requested), and actual shipping costs. If the records system
23 does not allow for the creation or transmission of an
24 electronic or digital record, then the facility or practitioner
25 shall inform the requester in writing of the reason the records
26 can not be provided electronically. These rates shall be

1 automatically adjusted as set forth in Section 8-2006. The
2 ~~health care~~ facility or health care practitioner may, however,
3 charge for the reasonable cost of all duplication of record
4 material or information that cannot routinely be copied or
5 duplicated on a standard commercial photocopy machine such as
6 x-ray films or pictures.

7 (e) The requirements of this Section shall be satisfied
8 within 30 days of the receipt of a written request by a patient
9 or by his or her legally authorized representative, health care
10 practitioner ~~physician~~, authorized attorney, or any person,
11 entity, or organization presenting a valid authorization for
12 the release of records signed by the patient or the patient's
13 legally authorized representative. If the ~~health care~~ facility
14 or health care practitioner needs more time to comply with the
15 request, then within 30 days after receiving the request, the
16 facility or health care practitioner must provide the
17 requesting party with a written statement of the reasons for
18 the delay and the date by which the requested information will
19 be provided. In any event, the facility or health care
20 practitioner must provide the requested information no later
21 than 60 days after receiving the request.

22 (f) A health care facility or health care practitioner must
23 provide the public with at least 30 days prior notice of the
24 closure of the facility or the health care practitioner's
25 practice. The notice must include an explanation of how copies
26 of the facility's records may be accessed by patients. The

1 notice may be given by publication in a newspaper of general
2 circulation in the area in which the health care facility or
3 health care practitioner is located.

4 (g) Failure to comply with the time limit requirement of
5 this Section shall subject the denying party to expenses and
6 reasonable attorneys' fees incurred in connection with any
7 court ordered enforcement of the provisions of this Section.

8 (Source: P.A. 93-87, eff. 7-2-03; 94-155, eff. 1-1-06.)

9 (735 ILCS 5/8-2005)

10 Sec. 8-2005. Attorney's records. This Section applies only
11 if a client and his or her authorized attorney have complied
12 with all applicable legal requirements regarding examination
13 and copying of client files, including but not limited to
14 satisfaction of expenses and attorney retaining liens.

15 Upon the request of a client, an attorney shall permit the
16 client's authorized attorney to examine and copy the records
17 kept by the attorney in connection with the representation of
18 the client, with the exception of attorney work product. The
19 request for examination and copying of the records shall be in
20 writing and shall be delivered to the attorney. Within a
21 reasonable time after the attorney receives the written
22 request, the attorney shall comply with the written request at
23 his or her office or any other place designated by him or her.
24 At the time of copying, the person requesting the records shall
25 reimburse the attorney for all reasonable expenses, including

1 the costs of independent copy service companies, incurred by
2 the attorney in connection with the copying not to exceed a \$20
3 handling charge for processing the request ~~for copies~~, and the
4 actual postage or shipping charges, if any, plus (1) for paper
5 copies 75 cents per page for the first through 25th pages, 50
6 cents per page for the 26th through 50th pages, and 25 cents
7 per page for all pages in excess of 50 (except that the charge
8 shall not exceed \$1.25 per page for any copies made from
9 microfiche or microfilm; records retrieved from scanning,
10 digital imaging, electronic information or other digital
11 format do not qualify as microfiche or microfilm retrieval for
12 purposes of calculating charges); and (2) for electronic
13 records, retrieved from a scanning, digital imaging,
14 electronic information or other digital format in a electronic
15 document, a charge of 75 cents for each CD Rom, DVD, or other
16 storage media. Records already maintained in an electronic or
17 digital format shall be provided in an electronic format when
18 so requested), and actual shipping costs. If the records system
19 does not allow for the creation or transmission of an
20 electronic or digital record, then the attorney shall inform
21 the requester in writing of the reason the records cannot be
22 provided electronically. These rates shall be automatically
23 adjusted as set forth in Section 8-2006. The attorney may,
24 however, charge for the reasonable cost of all duplication of
25 record material or information that cannot routinely be copied
26 or duplicated on a standard commercial photocopy machine such

1 as pictures.

2 An attorney shall satisfy the requirements of this Section
3 within 60 days after he or she receives a request from a client
4 or his or her authorized attorney. An attorney who fails to
5 comply with the time limit requirement of this Section shall be
6 required to pay expenses and reasonable attorney's fees
7 incurred in connection with any court-ordered enforcement of
8 the requirements of this Section.

9 (Source: P.A. 92-228, eff. 9-1-01.)

10 (735 ILCS 5/8-2006)

11 Sec. 8-2006. Copying fees; adjustment for inflation.
12 Beginning in 2003, every January 20, the copying fee limits
13 established in Sections 8-2001,~~8-2003,~~~~8-2004,~~ and 8-2005
14 shall automatically be increased or decreased, as applicable,
15 by a percentage equal to the percentage change in the consumer
16 price index-u during the preceding 12-month calendar year.
17 "Consumer price index-u" means the index published by the
18 Bureau of Labor Statistics of the United States Department of
19 Labor that measures the average change in prices of goods and
20 services purchased by all urban consumers, United States city
21 average, all items, 1982-84 = 100. The new amount resulting
22 from each annual adjustment shall be determined by the
23 Comptroller and made available to the public via the
24 Comptroller's official website by January 31 of every year.

25 (Source: P.A. 94-982, eff. 6-30-06.)

1 (735 ILCS 5/8-2003 rep.)

2 Section 90. The Code of Civil Procedure is amended by
3 repealing Section 8-2003.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.